

UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
Asheville Division  
1:03CR33-01-T

FILED  
ASHEVILLE, N.C.

FEB -3 2009

U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA

vs.

William Ivey Smith

ORDER

On November 21, 2008, the Court ordered the arrest of William Ivey Smith to answer to charges that he violated the conditions of his supervision imposed by the Court by having committed the offenses of Simple Assault and Communicating Threats in Rutherford County, North Carolina. Furthermore, Mr Smith left the Western District of North Carolina without permission of the Court or the probation officer and traveled to Surfside Beach, South Carolina on November 20, 2008.

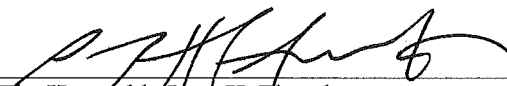
On November 10, 2008, the probation office received information from a federal law enforcement agency that William Ivey Smith had threatened the use of a gun during the altercation in which he was charged with Simple Assault and Communicating Threats. As a result of the information received, probation officers from the Western District of North Carolina traveled to the defendant's residence and were informed that Mr. Smith had left the Western District of North Carolina and had traveled to Surfside Beach, South Carolina. On December 10, 2008, members of the search team and others from the probation office, searched Ivey's Pawn Shop in Rutherford County, NC. The shop is owned by William Ivey Smith and he was present during the search. During the search, officers seized 34 rounds of various caliber ammunition, 4 black magazines, and two BB guns. While the ammunition is illegal for a convicted felon to possess, the probation office requested to authorities that the ammunition be addressed at the violation hearing, rather than as a new charge. The reason for the search was to determine if William Ivey Smith possessed any weapons.

On December 12, 2008 the charges in Rutherford County were voluntarily dismissed.

On January 27, 2009, the U. S. Attorney's Office for the Western District of North Carolina was advised that the U. S. Probation Office was not prepared to request revocation of supervision for the above violations. The U. S. Attorney's Office advised there would be no objection to an Order granting dismissal of the violation petition.

For the reasons stated herein and there being no objection from the U. S. Attorney's Office, the violation petition for the defendant is hereby dismissed.

January 28, 2009  
Asheville, NC

  
The Honorable Lacy H. Thornburg  
United States District Judge

cc: U. S. Attorney